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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MARK WILLIAMS, et al.,
9 Plaintiffs,

10 v.

11 KITSAP COUNTY, et al,
12 Defendants.
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CASE NO. C08-5430 RBL
MINUTE ORDER

15 NOW on this 12th day of November 2009, the Court directs the Clerk to enter the following
16 Minute Order:
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18 For the reasons orally stated, on the record, the motions were disposed of as follows:

19 Dkt #109 MOTION to Exclude Testimony of Kay Sweeney Under Daubert is DENIED in part and
20 GRANTED without prejudice in part. Sweeney can testify about the ballistics analysis based upon
21 wounds of the victim and holes in the clothing. He cannot testify about the direction Mr. Williams'
22 body would have fallen after being shot 9 times. An offer of proof maybe submitted by plaintiffs
23 once Mr. Sweeney has completed his examination of Mr. Williams' clothing.

24 Dkt # 121 Motion to Compel Kurtis Lont to Answer Deposition Question is DENIED. The "peer
25 counselor" - psychologist/patient privilege attaches from the moment Lont had Officers Herrin and
26 Woodrum in the patrol car for transport to the firehouse and for all subsequent therapy sessions with
27 Dr. Rosenbaum. The privilege does not attach as to Lont's observations and prior conversations as a
first responder at the scene.

28 Minute Order - 1

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2 Dkt 124 Motion to Compel Defendants to Produce Things for Inspection and Testing: If the parties
3 want to test the firearms(s), they will do so at a selected firing range in the presence of both sides
4 and their experts. Any unresolved issues will be referred to the Court via telephonic conference.

5 Dkt #145 Motion to Exclude Defense Expert George Williams is DENIED. The testimony of
6 Williams and Van Blaricom will be limited to testimony regarding police training/practices in
7 relevant hypothetical situations. Neither will be permitted to testify regarding the ultimate jury
8 question of reasonableness of the officer's actions.

9 The foregoing Minute Order entered by s/Jean Boring, Deputy Clerk,
10 BY DIRECTION OF THE HONORABLE RONALD B. LEIGHTON, UNITED STATES
11 DISTRICT JUDGE.
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